King assassination records appeals Harold Weisberg 4/26/80
Withholding by not searching proper files and by not filing by subject
"Crime Records" Division - files not searched; function
law enforcement purpose - there was none
continued FBI stonewalling, assisted by failure to act on timely appeals

Attached are three records not provided in C.A. 75-1996. They pertain to the Memphis sanitation workers strike, which is a specific Item of my requests, and to the FBI's campaign against Dr. King.

These were provided by the FBI under date of 10/16/78 (letter attached), which led to an appeal by a copy of my response of 10/22/78 to the FBI (copy attached).

There was confusion in my C.A. 75-1996 requests pertaining to political files, so to resolve that I filed a separate request. The FBI acknowledges this in its second paragraph, "...processing your request for the security(sic) files on Dr. King." My second paragraph includes the appeal.

That request still has not been complied with. I have appealed this repeatedly, without response. There is no claimed backlog of more than three years. This is plain stonewalling.

One of the Items of my C.A. 75-1996 requests is for the results of re-investigations. The last paragraph on page one of my appeal refers to one such reinvestigation. It again requests those results. These records still have not been provided and the appeal has not been acted upon. Again, this is stonewalling.

For FOIA exemptions to be applicable there must be a law enforcement purpose or a legitimate national security investigation. The attached records are among the proofs that there were no such purposes, although the FBI, particularly the Director, pretended there was a national security interest in Dr. King. There is no claim to any law enforcement purpose.

Although the FBI did not inform me of the source of these records, they appear to have come from Hoover's personal files. They bear regular file numbers and could also be retrieved by means of these regular numbers.

The sanitation strike record, rather than having been filed by that title and

number, was captioned "COUNTERINTELLIGENCE PROGRAM; BLACK NATIONALIST HATE GROUPS; RACIAL INTELLIGENCE (MARTIN LUTHER KING)." It is a Cointelpro proposal but it is without reference to any black nationalism, which the strike was not in any event, and it neither holds nor pertains to any information relating to "racial intelligence." It is, simply, a proposal to embarrass Dr. King by false propaganda, by the FBI putting out an untruthful story about him and the strike. Obviously, there is no law enforcement purpose in this, nor any effort to obtain legitimate national security information.

The proposal establishes, as I have alleged over and over again, the function of "Crime Records" as it pertains to my request for information provided to other writers. The dishonest and inaccurate attached "blind memorandum" is to "be furnished a cooperative news media source by the Crime Records Division for an item showing King is a hypocrite. This will be done on a highly confidential basis." (100-448006-93)

The opening statement in 100-3-116-684 is "In view of the influence the Communist Party, USA (CPUSA) is exerting on the racial situation, particularly through Martin Luther King..." Whether or not the FBI had any honest or rational reason for believing this at the time Sullivan prepared this record, 12/24/63, it has since been proven, by the FBI's own records and by other means, to be false. Sullivan himself said it was false, in his book and in memos to which Hoover refers in the note added to the third record, 77-56944-19. As of the time of the processing of these records and for years before them this was known as an untruthful representation. (This is from the third record.) There clearly was no legitimate national security investigation. This is explicit in the first sentence remaining after the opening excisions for which (b)(1) is claimed: "When the facts concerning his activities are presented, such should be enough, if handled properly, to take him off his pedestal and to reduce him completely in influence ...and no longer will be deceiving and misleading the Negro people."

The first record reports a conference at "the Seat of Government" between Sullivan and his honchos and two Atlanta SAs who were working on Dr. King. (The withheld names are public domain.)

What "the man from the field outlined in detail" is none of the FBI's business, has nothing to do with law enforcement of national security and is "the operation of the SCLC in Atlanta and the manner in which it is managed by King."

The six points of "additional information" Sullivan said "we need to develop" likewise include no law enforcement or natuonal security matters. The FBI is to "check out all of the employees of the SCLC," to "locate and monitor the funds of the SCLC" and "identify and check out the sources who contribute to the SCLC" so that "at the propar time when it can be done without embarrassment to the Bureau, expose King as an immoral opportunist who is not a sincere person but is exploiting the racial situation for personal gain." The FBI also "must continue to keep close watch on King's personal activities" and "explore the possibility of utilizing additional specialized investigative techniques at the SCLC office."

While it claims that "Our technical coverage on King and the SCLC is producing excellent information," it does not claim that the information is of national security or law enforcement nature and, rather than being "excellent" as he saw it, the Attorney General found the opposite and refused to extend permission to continue the wire tapping. (The FBI was bugging without asking or getting authority.)

Whatever "ACTION" Hoover approved is withheld under (b)1) claim. Assuming it is not public domain, it is not within the exemption because there was neither of the required purposes.

There is no such purpose in the third record, either. It is the one in which, fearing getting his head chopped off, Sullivan ate crow. It is his proposal for the FBI's selection of a "black messiah" to replace King.

After the bit about knocking King off the pedestal Sullivan admitted that while "On first blush I know it can be said that it is not the concern of the Bureau what happens to the Negroes when Martin Luther King has been discredited," this "is a very shortsighted view." (He feared some might be attracted to the Muslims.) So, "It would be most helpful to have a man (obliterated) leading the Negroes to whom we could go, if necessary..."

Having its own "black messiah" would be "a great help to the FBI" and " a fine thing for the country at large, " Sullivan said.

The addendum is entirely withheld under (7)C) claim. However, if the FBI wants to withhold the name of its candidate for black messiah, that does not mean that the rest is not reasonably segregable. This is important information. There is considerable public interest in it.

The addendum need not pertain to the black messiah candidate, however, because it follows the recommendation that Sullivan be permitted to "explore this whole matter."

It is followed by Hoover's note, "I am glad to see that 'light' has finally, though dismally(?), delayed, come to the Domestic Int. Div. ..."

The subject is obliterated under (7)(C) claim. From what is not obliterated, which means from most of the memo, it is apparent that the subject is not appropriate for the number, 77-56944. "77.*" represents "Applicants. (Special Inquiry, Departmental and Other Government Agencies...)" The * represents "Applicant-related Classification."

Perhaps, without my knowing it, there is, midst all those government job classification, one for "black messiah." However, the record makes clear that (obliterated) is not a candidate. He is no more than the FBI's nominee.

Nor do I know of a job classification for knocking King "off his pedestal and to reduce him completely in influence..." (Strange the FBI did not think of 67, for its own "Personnel Matters" where it has even Jim Garrison records squirreled away.)

The record states it has an attachment, a biography of the non-candidate/nominee. Sullivan wrote on it, "See biography outline enclosed." Nothing is enclosed or attached, and no claim to exemption is made for it. It is merely withheld.